

CHAPTER 20.86

LOW AND MODERATE INCOME HOUSING WITHIN THE COASTAL ZONE

Sections:

20.86.010	Purpose
20.86.020	Definitions
20.86.030	Coastal Residential Development Permit Required
20.86.035	Exemptions
20.86.040	Application for a CRDP
20.86.050	Affordable Housing Requirement
20.86.060	Affordable Housing Agreement
20.86.070	Notice and Public Hearing
20.86.080	Effective Date
20.86.090	Appeals

20.86.010 Purpose

The City of Newport Beach is responsible for the administration of provisions of State law relative to the demolition, conversion and construction of low and moderate income dwelling units within the Coastal Zone. These provisions of State law are contained in Article 10.7 of the California Government Code, Section 65590 et.seq.

This chapter establishes a permit requirement for certain activities involving dwelling units within the Coastal Zone. The permit shall be known as a Coastal Residential Development Permit (CRDP). The CRDP ensures compliance with State law by maximizing low and moderate income housing opportunities within the Coastal Zone of Newport Beach.

20.86.020 Definitions

As used in this chapter, the following terms shall have the meanings indicated:

- A. Conversion. Conversion means a change of a dwelling unit to a condominium, cooperative, or a similar form of ownership; or a nonresidential use.

20.86.030 Coastal Residential Development Permit Required

A CRDP is required in order to conduct any of the following activities within the Coastal Zone:

- A. The demolition or conversion of 11 or more dwelling units in 2 or more structures; or
- B. The demolition or conversion of 3 or more dwelling units in one structure; or
- C. The construction of 10 or more new dwelling units.

20.86.035 Exemptions

The following activities are exempt from the requirement of a CRDP:

- A. The demolition or conversion of a residential structure for the purpose of a nonresidential use which is either "coastal dependent," as defined in Section 30101 of the Public Resource Code, or "coastal related," as defined in Section 30101.3 of the Public Resources Code. The "coastal dependent" or "coastal related" uses must be consistent with the provisions of the City of Newport Beach's Local Coastal Program Land Use Plan.
- B. The demolition of any residential structure which has been declared to be a public nuisance under the provisions of Division 13 (commencing with Section 17000) of the Health and Safety Code.
- C. The reconstruction of any nonconforming building damaged by fire, earthquake or other calamity when a use permit is not required pursuant to Section 20.62.070.

20.86.040 Application for a CRDP

An application for a CRDP shall be filed in a manner consistent with the requirements contained in Chapter 20.90: Application Filing and Fees. In addition to the application fee, the application shall be accompanied by an administration fee based on the projected number of low or moderate income dwelling units to be provided. Should the actual number of low and moderate income dwelling units differ from that projected a refund shall be made or an additional fee shall be collected. When a feasibility study is conducted the total cost of the study plus a processing fee shall also accompany the application.

These fees shall be established by resolution of the City Council. The application fee shall be a single flat fee based on the cost of processing a CRDP. The administration fee shall be per low and moderate income dwelling unit based on the cost of administering an affordable housing

requirement. The feasibility study processing fee shall be a percentage of the total feasibility study cost and shall be based on the cost of processing a study.

20.86.050 Affordable Housing Requirement

When demolition or conversion activities involve low and moderate income units, replacement units shall be provided on a one for one basis. A feasibility study shall be required for new dwelling unit construction of 10 or more units when low and moderate income dwelling units are not proposed at the affordability standards contained in the Housing Element of the Newport Beach General Plan. The test of feasibility shall be initially conducted at the Housing Element standard and then at progressively higher standards contained in State Health and Safety Code Section 50093.

20.86.060 Affordable Housing Agreement

The City and owner of the low and moderate income dwelling units provided shall enter into an affordable housing agreement governing the dwelling units and that agreement shall be recorded against the property.

20.86.070 Notice and Public Hearing

- A. Public Hearing. A public hearing shall be held before the Planning Commission on all CRDPs, including all condominium conversions.
- B. Required Notice.
 - 1. Public hearings shall be required for review of all CDRP's in the manner as prescribed in Section 20.93.030.
 - 2. Notice of all other public hearings shall be given as follows:
 - a. Mailed or Delivered Notice.
 - (1) Residential Districts. At least 10 days prior to the hearing, notice shall be mailed to the applicant and all owners of property within 300 feet of the boundaries of the site, as shown on the last equalized assessment roll or, alternatively, from such other records as contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the City a list and postage paid envelopes with the names and addresses of owners as required by this section.

- (2) Nonresidential Districts. At least 10 days prior to the hearing, notice shall be mailed to the applicant and all owners of property within 300 feet, excluding intervening rights-of-way and waterways, of the boundaries of the site, as shown on the last equalized assessment roll or, alternatively, from such other records as contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the City the names and addresses of owners as required by this section.
 - b. Posted Notice. Notice shall be posted in not less than 2 conspicuous places on or close to the property at least 10 days prior to the hearing.
3. When low and moderate income dwelling units are proposed for an off-site location the notice and posting requirements shall also apply to the property upon which the low and moderate income dwelling units are to be located.
- C. Contents of Notice. The notice of public hearing shall contain:
 1. A description of the location of the project site and the purpose of the application;
 2. A statement of the time, place, and purpose of the public hearing;
 3. A reference to application materials on file for detailed information;
 4. A statement that any interested person or authorized agent may appear and be heard.
- D. Continuance. Additional notice need not be give if a public hearing is continued at the public hearing noticed and if the date of the continued hearing is announced in open meeting.

20.86.080 Effective Date

A CRDP shall not become effective for 14 days after being granted. If an appeal is filed or the City Council exercises its right of review the CRDP shall not become effective until a decision granting the CRDP is made by the City Council.

20.86.090 Rights of Appeal

- A. Appeals. Decisions of the Zoning Administrator may be appealed to the Planning Commission and decisions of the Planning Commission may be appealed to the City Council.
- B. Procedures. Procedures for appeals shall be as prescribed by Chapter 20.95: Appeals.